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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

JAMES V. DEPPOLETO JR.,

Plaintiff,

v.

TAKEOVER INDUSTRIES
INCORPORATED,

Defendant.

CASE NO. 2:22-cv-2013

**DISCOVERY PLAN AND SCHEDULING
ORDER**

DISCOVERY PLAN AND SCHEDULING ORDER

Plaintiff, James V. Deppoleto Jr. ("Mr. Deppoleto" or "Plaintiff"), by and through his undersigned counsel, and Defendant, Takeover Industries Incorporated ("Takeover" or "Defendant"),¹ by and through its undersigned counsel, hereby submit the following Joint Discovery Plan and Scheduling Order for the Court's review:

1. Discovery Plan:

☐ **Request for waiver of requirement to prepare and file a formal discovery plan.**

The parties certify that all discovery can be completed informally, without the need of court intervention and in conformance with the Standard Discovery Plan, and that the matter will be ready for trial within 120 days, or

☒ **A discovery plan is needed or useful in this case.**

☐ The parties agree to the standard discovery plan. Defendant answered or otherwise appeared on December 27, 2022. Discovery shall be completed within 180 days, measured from the date the Defendants answered or otherwise appeared.

☒ The parties jointly propose to the Court the attached discovery plan and scheduling order.

☐ The parties cannot agree on a discovery plan and scheduling order.

2. Nature of the Case: Brief description of the nature of the case.

Plaintiff brought this lawsuit to recover over \$2 million that Plaintiff alleges that he loaned to Defendant, and that Defendant has wrongfully refused to repay. Plaintiff seeks a declaratory judgment and money judgment. Defendant denies liability.

3. Jury Trials: Check one:

☐ A demand for a jury trial has not been made.

☒ A demand for a jury trial has been made.

☐ It is expressly understood by the undersigned parties they have demanded a jury trial pursuant to Fed. R. Civ. P. 38(b), and in conformity with LR 9015, and have consented to a jury trial

¹ Defendant and Plaintiff may be referred to as the "Parties."

1 pursuant to 28 U.S.C. § 157(e).

2 An original and two (2) copies of all instructions requested by either party shall be submitted
3 to the clerk for filing on or before 60 days before the start of trial.

4 An original and two (2) copies of all suggested questions of the parties to be asked of the
5 jury panel by the court on voir dire shall be submitted to the clerk for filing on or before: 60 days
6 before the start of trial.

7 4. **Additional Pleadings:** Are there any counterclaims, cross claims or amendments to
8 pleadings expected to be filed?

9 X Yes

10 No

11 5. **Settlement Conference:** Check One:

12 A settlement conference is requested.

13 X Settlement cannot be evaluated prior to additional discovery, the Parties may later
14 request a settlement conference.

15 6. **Trial:** The Parties agree that the case should be ready for trial by June 3, 2024, and should
16 take no more than two days.

17 7. X All Parties consent to this court entering final judgment.

18
19 DATED this 22nd day of September, 2023.

DATED this 22nd day of September, 2023.

20 **HUSCH BLACKWELL LLP**

ALVERSON TAYLOR & SANDERS

21 /s/ Jennifer E. Hoekel

/s/ Kurt R. Bonds

22 JAMES PATRICK SHEA

KURT R. BONDS, ESQ.

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14 *Attorneys for Plaintiff*
15 *James V. Deppoleto Jr.*
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CERTIFICATE OF SERVICE

1. On September 22, 2023, I served the following document(s): **DISCOVERY PLAN AND SCHEDULING ORDER**

2. I served the above document(s) by the following means to the persons as listed below:

☒ a. ECF System:

KURT R. BONDS on behalf of Defendant Takeover Industries Incorporated
efile@alversontaylor.com

☐ b. United States mail, postage fully prepaid:

☐ c. Personal Service:

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handling the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. By direct email (as opposed to through the ECF System):
Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. By fax transmission:

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. By messenger:

I served the document(s) by placing them in an envelope or package addressed to

1 the persons at the addresses listed below and providing them to a messenger for
2 service.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Dated: September 22, 2023.

By: /s/ Jennifer E. Hoekel